

RESUMÉ

Prohibited Means and Methods of Warfare in Armed Conflicts

Law of armed conflicts is a part of international public law. The first multilateral agreements about waging the wars were accepted in the end of 19th century. St. Petersburg Declaration (1868) and the conventions and declarations of the First and the Second Hague Conferences (1899, 1907) has already contained the basic and general principles of the law of armed conflicts and also the bans of concrete types of conventional weapons. In spite of the Briand-Kellogg's Pact, which has prohibited the use of force, armed conflicts still occur both on international level and on non-international level. Because of the technical progress, the wars started to be much more dangerous not only for the soldiers but also for the civilians. Such situation evoked the need of acceptance new rules regulating armed conflicts and prohibiting certain means and methods of warfare. After the Second World War Geneva Conventions (1949) granted a wide protection to all the victims of war. In 1977 two Additional Protocols to the Geneva Conventions were approved. The second one of them regulates the conduct of belligerent powers during the armed conflict of non-international character. Various number of conventional weapons has been used in armed conflicts. The number of general rules includes the provisions on the prohibition of weapons causing unnecessary suffering and excessive injuries. Means and methods of warfare also must not have indiscriminate effect. When some new mean of weapon occurs, these general provisions are very important. But according to the practice of warfare it seems better if such a new weapon is forbidden by a concrete provision. Since the last century the great improvement has been made as regards to the most dangerous weapons. It is prohibited to use for example biological weapons, chemical weapons, and with some exceptions also mines, weapons with a non-detecable fragments, incendiary weapons or blinding laser weapons.

Nuclear weapons are considered (together with chemical and biological weapons) to be the arms of mass destruction. They are not included in the category of conventional weapons because of their ability to destroy the substantial part of the life on the Earth in one moment. Thanks to the fact, that their production is very expensive and fastidious, only a few states own them. Although that the use of nuclear weapons would mean a breach of the international rules of armed conflict, there does not exist their absolute prohibition. States gave them the status of "deterrent means" which discourage other states from the strong attacks against these "nuclear" states.

All armed conflicts do not manage without breaking the rules set in international documents. That is why it is very important to try the war crimes and punish them fairly. But this step does not often take place. Some disputes are very political and very difficult to judge. But we should not make the precedence that the rules and principles of armed conflicts do not have to be observed.